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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/546,966	04/11/2000	David T. Pollock	ENDOV-51639	4186
24201	7590	01/25/2008		
FULWIDER PATTON LLP HOWARD HUGHES CENTER 6060 CENTER DRIVE, TENTH FLOOR LOS ANGELES, CA 90045			EXAMINER BUI, VY Q	
			ART UNIT 3773	PAPER NUMBER
			MAIL DATE 01/25/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. ed
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EXAMINER

ART UNIT	PAPER
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20070314

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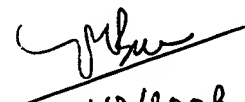
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Commissioner for Patents

Dear Sir:

The reply brief filed 5/23/2006 (paper 5/26/2006) has been entered and considered. A response to the reply brief 5/23/2006 is attached for Appellant's file record. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

Attachement: "Supplemental Examiner's Answer" (4 pages) and definitions of "profile" from www.dictionary.com (one page).


01/18/2008

Vy Q. Bui
Primary Examiner
Art Unit: 3734



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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/546,966
Filing Date: April 11, 2000
Appellant(s): POLLOCK, DAVID T.

MAILED
JAN 25 2008
GROUP 3700

John V. Hanley
For Appellant

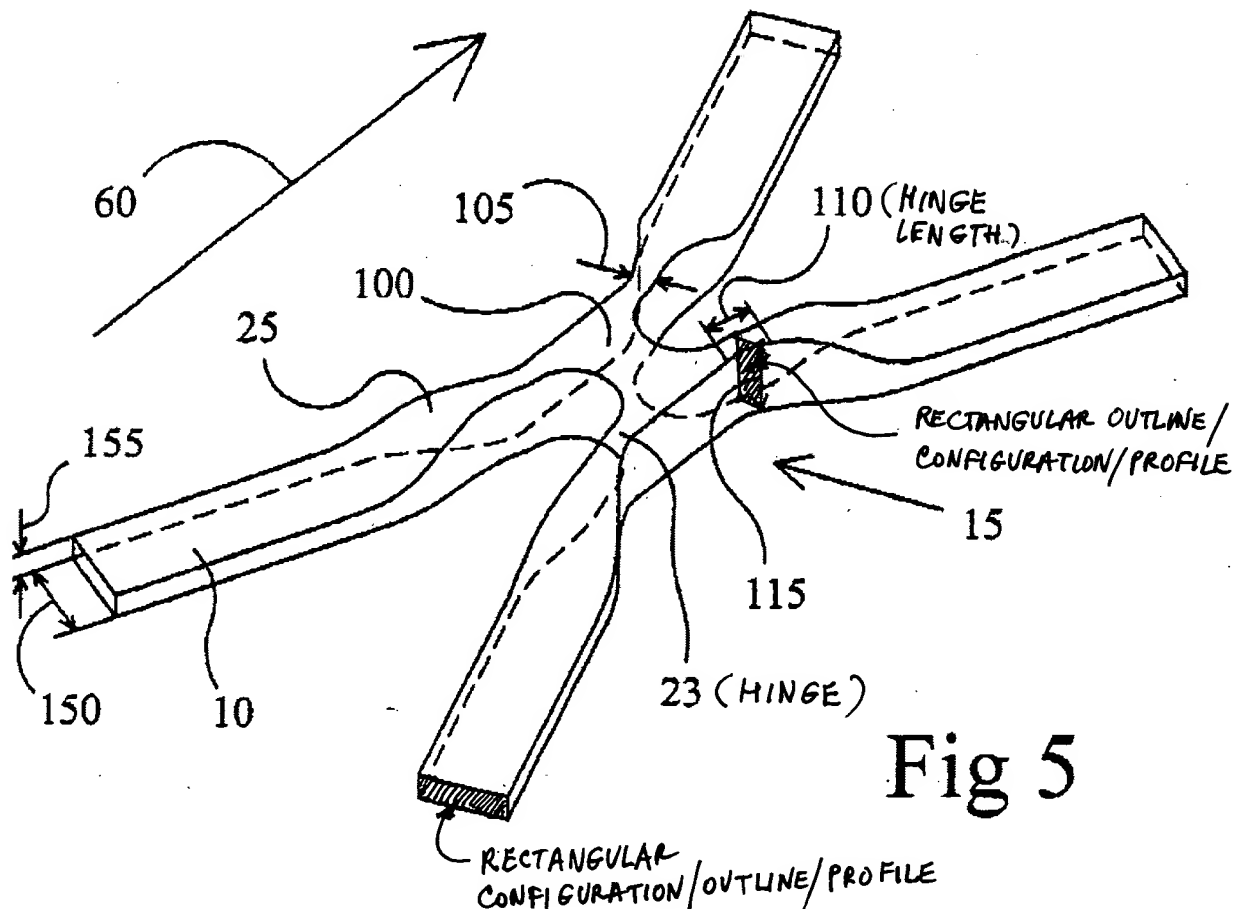
SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to the "Reply to Examiner's Answer" filed 5/23/2006 by the Applicants arguing the "Examiner's Answer" mailed 3/23/2006.

Response to Argument filed 5/23/2006 (Section III. Argument, paper 5/26/2006):

A. Group I: Claims 1-3, 5, 7-10, 36 and 37:

As to claims 1-3, 5, 7-10, the claims do not specify or clearly define a longitudinal member and only require that “a pair of longitudinal members each having a circumferential width, wherein the radial thickness is greater than the circumferential width”. Therefore, strut 10 including section 23 together can be considered as “a longitudinal member”, or even section 23 can be considered as “a longitudinal member” as well. Referring to reproduced Fig. 5 of Drasler-6,245,101, the structural limitations as recited in the claims are identified below:



Art Unit: 3773

As to claim 36, the claim only requires "the longitudinal member extending **a length** of one cell ...". The claim does not require "the longitudinal member extending the **whole length** of one cell".

Notice that the term "profile" can be interpreted as referring to a side view or an outline of an object or the configuration of something (www.dictionary.com: definitions 3, 4 and 10, for example).

As to claim 37, one can recognize that the profiles or side views or configurations of hinge 23 and strut 10 are both **substantially rectangular** and therefore their profiles are **not different** in that sense. Further, it would have been obvious to one of ordinary skill in the art at the time the invention was made to size the beam as recited in the claim because changing the size/dimension of a component as one desires is quite within level of one of ordinary skill in the art.

B. Group II: Claims 17, 20, 22, 23 and 39:

As to claims 17, 20, 22, 23 and 39, the same reasoning is applicable as indicated in the above section A.

C. Group III: Claims 17, 20, 22, 23 and 39:

Basically, the same reasoning is applicable as indicated in the above section A.

Further, as mentioned in the "Examiner's Answer", all longitudinal members or struts of Drasler-'101 stent must be curved through out their lengths because they define a cylindrical surface (circularly curved surface) of the stent.


Lastly, as mentioned in the "Examiner's Answer" before and in above section A, claim 36 does not require the longitudinal members extending "a whole length" of one cell, therefore, even one hinge section 23 of Drasler-'101 can be considered as a longitudinal member recited in claim 1.

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The reasons for rejection are previously presented and substantially repeated in the present "Office Action".

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


01/18/2007

Vy Q Bui

Primary Examiner

AU 3734


FREDERICK R. SCHMIDT
DIRECTOR
TECHNOLOGY CENTER 3700



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pro·file [proh-fahyl] Pronunciation Key - Show IPA Pronunciation *noun*,
verb, -*filed*, -*fil·ing*.

-*noun*

1. the outline or contour of the human face, esp. the face viewed from one side.
2. a picture or representation of the side view of a head.
- ③ an outlined view, as of a city or mountain.
- ④ an outline of an object, as a molding, formed on a vertical plane passed through the object at right angles to one of its principal horizontal dimensions.
5. a drawing or the like representing this.
6. *Surveying*. a vertical section of the ground surface taken parallel to a survey line. Compare CROSS SECTION (def. 6).
7. a verbal, arithmetical, or graphic summary or analysis of the history, status, etc., of a process, activity, relationship, or set of characteristics: *a biochemical profile of a patient's blood; a profile of national consumer spending*.
8. an informal biography or a concisely presented sketch of the life and character of a person.
9. a set of characteristics or qualities that identify a type or category of person or thing: *a profile of a typical allergy sufferer*.
- ⑩ the look, configuration, or lines of something: *cars with a modern profile*.
11. degree of noticeability; visibility.
12. *Psychology*. a description of behavioral and personality traits of a person compared with accepted norms or standards.
13. *Theater*. a flat stage property or scenic piece cut from a firm, thin material, as of beaverboard or plywood, and having an irregular edge resembling the silhouette of a natural object.
14. (in a gear) the outline of either end of a tooth.
15. *Naval Architecture*. a longitudinal elevation or section of a vessel. Compare OUTBOARD PROFILE.

-*verb (used with object)*

16. to draw a profile of.

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